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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,857

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Hiroshi Iwai

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05/19/2008

WENDEROTH, LIND & PONACK, L.L.P.

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WASHINGTON, DC 20006-1021

EXAMINER

ZHU, JOHN X

ART UNIT

PAPER NUMBER

2831

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,857	Applicant(s) IWAI ET AL.	
	Examiner JOHN ZHU	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 14-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/2/04, 9/08/04, 7/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-7 and 11-13 in the reply filed on 4/4/08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

2. Claim 4 is objected to because of the following informalities: lack of antecedent basis for "the depression angle". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagakubo et al. (EP 970988A1).

With respect to claims 1, 7 and 11, Nagakubo discloses a human phantom apparatus comprising...

a body section (5c),

a head section (5a) connected with said body section,

at least one shoulder section (5b) connected with said body section,
an arm section (5d) including a hand section (5f), said arm section connected
with said shoulder section,

wherein each of the sections is filled with a human body equivalent material
(Page 7, lines 20-23), and

wherein the apparatus has an attitude of holding a radio communication
apparatus (9) by the hand section of said arm section, so that the human phantom
apparatus looks at a display unit of said radio communication apparatus in front of said
body section (movement of apparatus to the front of the phantom possible through
articular members 7, Page 7, lines 26-28),

wherein said antenna characteristic measurement apparatus comprises a control
device (Fig. 4 and 5, element 19) for measuring the characteristic (Paragraph 0045) of
the antenna of said radio communication apparatus, by changing at least one parameter
selected from (a) an interval between said body section and said radio communication
apparatus, (b) an inclined angle of said radio communication apparatus with respect to
a horizontal direction, and (c) a height of said radio communication apparatus (Fig. 3,
adjustable arm 10, Page 7, lines 49-53).

With respect to claim 4, Nagakubo discloses a second rotational connecting
device (Fig. 1, element 7) for rotatably connecting the hand section (5f) around arm
section (5d) at a depression angle direction so as to change an include angle of the

communications device with respect to a horizontal direction (Fig. 2, wrist portion 5e will allow the movable of hand portion 5f).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagakubo et al. (EP 970988A1) in view of May (5,236,385).

With respect to claims 2 and 3, Nagakubo does not explicitly disclose the head section is arranged to be inclined from a vertical direction of the human phantom, nor a first rotational connecting device for rotatably connecting the head section on the body section at a depression angle direction of the phantom.

May discloses head section is arranged to be inclined from a vertical direction of the human phantom (Fig. 1B, 32), and a first rotational connecting device (Fig. 2, 48) for rotatably connecting the head section (16) on the body section (12) at a depression angle direction of the phantom.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nagakubo to include the tilting head action as taught by May for the purpose of measuring antenna characteristic while a person is

using the communication device in different physical orientations such as text messaging or web browsing (the user's head will be tilted forward).

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagakubo as applied to claim 1 above, and further in view of Iwai et al. (JP 2002107396, applicant-provided reference).

With respect to claims 5 and 6, Nagakubo does not explicitly disclose a first slidable connecting device for slidably connecting the shoulder with the arm as to change an interval between the body section and the hand section, nor a second slidable connecting device for slidably connect said shoulder with body in a vertical direction of the phantom.

Hiroshi discloses a first slidable connecting device (Fig. 12, 1203) for slidably connecting the shoulder with the arm as to change an interval between the body section and the hand section (horizontal direction), and a second slidable device (301) for slidably connect said shoulder with body in a vertical direction of the phantom.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nagakubo to include the slidable connecting devices as taught by Hiroshi for the purpose of evaluating antenna characteristics accurately when the positional relationship between the device and body and be adjusted (Abstract).

Allowable Subject Matter

8. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: claim 12 is allowable over the art of record because the prior art does not teach or render obvious the entire combination including specifically a human phantom apparatus comprising a finger phantom apparatus wherein the finger phantom comprises a hollow fingertip section made of an elastic material and a hollow finger root section made of a dielectric material.

Claim 13 is allowable as it depends from claim 12.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Engler et al. (2005/0077459 A1) discloses a radiation phantom and measurement device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN ZHU whose telephone number is (571)272-5920. The examiner can normally be reached on M-F, 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Gutierrez/
Supervisory Patent Examiner, Art Unit 2831

John Zhu
Examiner
Art Unit 2831

/John Zhu/
Examiner, Art Unit 2831